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ATTORNEYS FOR
Richard W. Joyce and Yong Cha Joyce

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

In re:)	Case No. 21-50915
)	
PIERCE CONTRACTORS, INC.,)	CHAPTER 11
)	
Debtor.)	PLAN REVIEW CONFERENCE
)	STATEMENT

**TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, DEBTOR(S), ALL
INTERESTED PARTIES, AND ALL PARTIES ENTITLED TO NOTICE:**

Please take notice that creditor and party-in-interest Richard W. Joyce and Yong Cha Joyce (hereinafter jointly "JOYCE") hereby submit the following Plan Review Statement in response to the **ORDER SCHEDULING PLAN REVIEW CONFERENCE** (Doc#40), this court's practices and procedures, and the Debtor's Plan of Reorganization for Small Business Under Chapter 11 (Doc#31)("Plan") as follows:

I. Plan.

Pursuant to this court's Practices and Procedures (i.e. #12), "The purpose of the Plan Review Conference is to consider the form of the plan and whether it contains the mandatory provisions required by the Bankruptcy Code."

Generally and for the purposes of the Plan Review Conference, Joyce does not have any objections to the Plan.

1 **A. Joyce's Request to Incorporate 11 U.S.C. 524 into the Plan.**

2 However, Joyce has requested a stipulation from and with the Debtor, to be incorporated into
3 the Plan and/or order confirming the Plan, acknowledging that pursuant to 11 U.S.C. 524 and 524 (e)
4 the Plan, confirmation of the Plan or any amended of or amendment to the Plan, or discharge of the
5 Debtor, do not release or discharge any third party(ies) from claims by Joyce relating to the sale of
6 Property "Property" means the property subject to the Plan, namely 194 Lantz Dr., Morgan Hill,
7 CA), Joyce's notes and deeds of trust, and Joyce's proofs of claims (Proofs of Claim Nos. 1-1 and
8 2-1)¹.

9 Although the issue is addressed by 11 U.S.C. 524 and 524 (e), it is important for Joyce to
10 insure that any third parties subject to claims by Joyce relative to the sale of the Property, Joyce's
11 notes and deeds of trust, and Joyce's proofs of claims do not attempt to use the Plan and/or
12 confirmation of the plan as a defense to claims Joyce may assert against such third parties.

13 Generally, at this time Joyce's 'claims' relate to, but may not be limited to, the broker/agent
14 for the sale of the Property and issuance of the notes and deeds of trust.

15 Debtor's and Joyce's counsel have discussed this issue, Joyce's counsel has proposed a
16 stipulation on the issue, and Joyce's counsel understands that the Debtor does not (actually cannot)
17 object to the request.

18 Dated: August 25, 2021

LAW OFFICE OF WILLIAM J. HEALY
/s/ William J. Healy
William J. Healy

¹ Joyce's notes and deeds of trust are summarized in Joyce's proofs of Claim Nos. 1-1 and 2-1).